THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) to (d) The setting up of a Bench of a High Court away from its principal seat is considered on the receipt of a complete proposal from the concerned State Government with the consent of the Chief Justice of that High Court.

The Government has received complete proposals for setting up Benches of the Madras High Court and the Calcutta High Court respectively. Accordingly, it is proposed to establish a Bench of the Madras High Court at Madurai and a Bench of the Calcutta High Court at Jalpaiguri, after infrastructural facilities like court buildings, accommodation for Judges etc. are provided by the respective State Governments to the satisfaction of the High Court.

As regards Guajrat, the State Government had requested the Chief Justice, Gujarat High Court for setting up a Bench of the High Court at Rajkot and Surat. The Chief Justice of the Gujarat High Court had opined that it would not be in the interest of the institution to have a circuit Bench of the High Court at Rajkot or at Surat.

Law commission

†1354. SHRI BALKAVI BAIRAGI:
SHRIMATI KAMLA MANHAR:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the purpose of Constitution of Law Commission and the qualifications of its present Chairman and the Members;

(b) the number and details of recommendations made by the Commission for improvement in Indian Penal Code;

(c) the action taken thereon, especially the status of the recommendations made with regard to the crimes against women; and

(d) the reasons for dealy in implementation of the recommendations made for improvement in Indian Penal Code and the remedial action being taken by Government?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) The Law Commission is constituted for the following purposes:-

†Original notice of the question was received in Hindi.

1. Review/Repeal of obsolete laws:

(i) To identify laws which are no longer needed or relevant and can be immediately repealed.

(ii) To identify laws which are in harmoney with the existing climate of economic liberalization which need no change.

(iii) To identify laws which require changes or amendments and to make suggestions for their amendment.

(iv) To consider in a wider perspective the suggestions for revision/ amendment given by Expert Groups in various Ministries/ Departments with a view to coordinating and harmonizing them.

(v) To consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department.

(vi) To suggest suitable measures for quick redressal of citizens grievances, in the field of law.

2. Law and Poverty

(i) To examine the Law which affect the poor and carry out post-audit for socio-economic legislation.

(ii) To take all such measures as may be necessary to harness law and the legal process in the service of the poor.

3. To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure:-

(i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair.

(ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice.

(iii) Improvement of standards of all concerned with the administration of justice.

4. To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objective set out in the Preamble to the Constitution.

5. To revise the Central Acts of General Importance so as to simplify them and to remove anomalies, ambiguities and inequities.

6. To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

7. To consider and to convey to the Government its views on any subject relating to law and judicial administration that may be referred to it by the Government.

The present Law Commission consists of a Chairman, a Vice-Chairman and a part-time Member. The present Chairman is a retired Judge of the Hon'be Supreme Court of India. The present Vice-Chairman and part-time Member are Legal Experts.

(b) The various Law Commissions constituted from time to time submitted a number of reports on Indian Penal Code and related laws including the laws relating to Crime against Women. In addition to the various recommendations made by the law Commission relating to these subjects in earlier reports, on the request of Central Government, the Law Commission of India undertook a comprehensive review of the Indian Penal Code 1860 and submitted its 156th report. In its 156th report, the Law Commission of India has focused its attention on the lapsed Indian Penal Code (amendment) Bill 1978 and endorsed many of the proposal containing the lapsed Indian Penal Code (amendment) Bill 1978. Some more recommendations were made by the Law Commission on the subject in its 172nd, 177th, and 178th report. The major recommendations contained in these reports of the Law Commission are as follows:-

(i) To make the offence punishable under section 290, 298, 431,432,434,504,505,and 510 of the Indian Penal Code, 1860 cognizable.

(ii) Amount of fine provided in various sections of the Indian Penal Code to be increased atleast by 20 times and also to make a provision in the Cr. P.C. regarding powers of the First Class Magistrate to impose such a fine.

(iii) Enhancement of the period of the imprisonment provided under section 354 of the Indian Penal Code regarding assualt and criminal force to women with the intent to outrage her modesty from two years to five years.

(iv) The period of imprisonment provided under section 509 IPC regarding uttering any word or making any gesture intended to insult the modesty of the woman etc. to be enhanced from one year to three years.

(v) In the light of surfacing of various sort of financial scams in various fields like banks, hospitals, non-financial institutions involving crores of rupees, the Law Commission has recommended insertion of new section 120BB in the Indian Penal Code, 1860 to tackle the problem.

To deal with the issue of increasing sexual violence on women and female children, the law commission recommends that the offence of sexual assult be added to the existing offence of outraging the modesty of women in section 354 and punishment be increased from two years to five years. Accordingly, Section 354 be amended on the following lines:-

"354. Assault or criminal force to woman with intent to outrage her modesty-whoever assaults or uses criminal force to any woman, intending to outrage her modesty or to commit sexual assault to her or knowing it to be likely that he will thereby outrage her modesty or commit sexual assault to her, shall be punished with imprisonment or either description for a term which may extend to five years and shall also be liable to fine."

Expanding the scope of Section 354 in the above manner, would cover the varied forms of sexual violence other than rape on women and female children.

The Law Commission is further of the view that the offence of eve teasing falls within the scope of Section 509 and there is no need for a new Section 376F as recommended by the National Commission for Woman. However, the Law Commission feels that the quantum of punishment be increased from one year to three years and fine.

Accordingly, it is recommended that Section 509 be amended in the following manner:

> "Section 509: whoever, intending to insult the modesty of any women, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be see, by such woman, or intrudes upon the privacy of such woman, shall be punished with imprisonment of either description for a term which may extend to 3 years and shall also be liable to fine"

(c) and (d) The recommendations of the Law Commission made in 156th report have been referred to State Governments for their views and the views of the State Governments are in the process of being received.

Circuit bench of Kolkata High Court in Jalpaiguri

1355. SHRI NILOTPAL BASU: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the status of creating a Circuit bench of the Kolkata High Court in Jalpaiguri; and

(b) the tentative time schedule for the actual setting up of the said bench and other details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) Both the Chief Justice of the Calcutta High Court and the Government of West Bengal have recommended setting up of a Bench of the High Court at Jalpaiguri. As an interim measure, the Governmet of West Bengal has proposed to house the Circuit Bench at Jalpaiguri Zilla Parishad Dak Bungalow, which is under renovation, till a permanent building is constructed at an identified land at "Assam More" in Mouza Khararia, situated at the crossing